

**Conservation Commission Meeting Minutes
November 5, 2014**

Members Present: Louis A. Napoli, Chairman, Douglas W. Saal, Vice Chairman, Joseph W. Lynch, Jr., Sean F. McDonough.

Members Absent: Deborah A. Feltovic, Albert P. Manzi, Jr. John T. Mabon.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:05 PM Quorum Present.

Approval of Minutes 9/10/14

- A motion to accept the meeting minutes of 9/10/14 as drafted and reviewed is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.

Public Meeting: 7:06 PM

Small Project

NACC#135, 19 Johnson Street (Cochichewick Masonic Lodge)

- Administrator reviews the proposal to add a second egress/a set of stairs down from the fire escape on four footings. The resource area is an intermittent stream over 50' from the proposed work.
- Mr. Napoli states he has visited the site and reviewed the proposal.
- A motion to accept this as a small project 4.4.2.J is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.
- A motion to approve the project as proposed with a requirement for a post construction inspection is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.

Documents:

- *Application Checklist- Small Project*
- *Small Project Procedures*
- *North Andover MIMAP dated October 31, 2014*
- *Copy of Town Check*
- *Plan of Stair Section done by JD LaGrasse & Associates, Inc. dated March 7, 2014*

Public Hearings

Request for Determination of Applicability

565 Osgood Street (Family Cooperative Preschool) (Downer Brothers Landscaping Inc.)

- Mr. McDonough reads the legal notice.
- Administrator reviews the proposal to install drainage from a corner of the playground area (seasonally flooded) to a swale on the Edgewood property.
- Mr. Lynch states this would be a landscape basin.
- A motion to issue a negative determination for a landscape drainage basin outside the 25' No-Disturbance Zone piped to an existing swale with conditions for pre and post construction inspection is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Application Checklist- Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Copy of Town Check*
- *Signatures and Submittal Requirements*
- *Scope of work for the Family Cooperative Preschool*
- *Notification to Abutter's Form*
- *Certified Abutter's list dated October 29, 2014*
- *Plan of Land dated October 24, 2014*
- *Photo's dated November 3, 2014*

Notice of Intent (NOI)

242-1627, Great Pond Road (Lots 53 & 54) (TKZ, LLC) (Christian & Sergi, Inc.) (cont. from 10/22/14)

- The applicant Thomas D. Zahoruiko of TKZ, LLC is present.
- The Administrator reviews comments made by DEP regarding the intermittent stream and meeting stream crossing standards. DEP also notes need for a 401 Water Quality Cert.
- Mr. Lynch asks if Eggleston Environmental is finished with review. – answer yes
- Mr. Napoli asks about material stockpiling location
- Mr. Zahoruiko states will likely be on Lot 1
- Mr. McDonough asks about the location of the A series wetland which Mr. Zahoruiko reviews. He then asks about a more permanent wall to monument the No-Disturb.
- Mr. Zahoruiko states there will be stone walls and fencing for monumentation
- Mr. McDonough and Mr. Zahoruiko discuss the bridge crossing.
- Mr. Lynch asks about maintenance of the drainage system.

- Mr. Zahoruiko reviews discussions with Planning and DPW on the matter. Mr. Zahoruiko would like the street to be a public way. There is discussion of a revolving fund to pay for the maintenance.
- Mr. Lynch states the order must be clear about the ownership of the drainage and lots should have a deed restriction to insure drainage structures remain and are maintained. He states maintenance and disclosure of structures to owners are two separate things.
- Mr. Saal states the road should not be a public way if town cannot maintain.
- A motion to grant the request for a continuance to November 19, 2014 meeting is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Letter from Christiansen & Sergi, Inc. dated October 27, 2014*
- *Letter from Norse Environmental Services, Inc. dated October 2014*
- *Site grading Plan dated September 15, 2014, revised October 21, 2014, revised October 27, 2014*
- *Photo's dated June 24, 2014*

242-1633, 1160 Great Pond Road (Brooks School)

- Brian Palm of Brooks School is present.
- Mr. McDonough reads the legal notice.
- The Administrator reviews the proposal to repair a “seawall” in Lake Cochichewick by replacing in the same location with new materials (concrete and engineered block).
- Mr. Palm states that approximately 35’ of the wall is at issue. He presents a cross section plan of the proposed wall and states he has spoke with the Building Inspector and the DPW.
- Mr. Lynch states in his experience as an engineer, structural blocks are not usually used in this type of application based on freeze thaw cycle.
- Mr. Palm states the school does not have a preference for materials and that the water is currently 10-12” below the block.
- Mr. Lynch asks about in water protections to be used when concrete is poured. Mr. Lynch states at a minimum a flotation boom should be used.
- Mr. Palm states none are proposed. The concrete would be contained inside a solid structure.
- Mr. Lynch states work within the water supply requires a boom.
- Mr. Saal asks if concrete is poured could existing granite be used on top.
- Mr. Palm states the size and shape of the granite would not work.
- The commission discusses the length of the entire wall. The plan is not clear. Mr. Palm states approximately 100-115’. Would like to repair all of it eventually.
- Mr. Saal and Mr. Lynch, both engineers, express doubts about the current system proposed and would like more information on uses of this type of block and rebar in submerged locations.
- Mr. Napoli asks if poured concrete would be a better solution for the entire wall.
- The Commission discusses alternatives. Potentially for safety do not allow access.
- Mr. Lynch recommends a site walk.
- The Commission discusses the techno block proposed.

- Mr. Lynch asks about the area behind the wall.
- Mr. Palm states there would be gravel behind the wall for infiltration.
- Mr. Saal asks for more information on the block proposed for use. He would like to hear about the use of block in other submerged locations. He points out that there is no drain proposed through the wall.
- Mr. Napoli states third party review could be required.
- Mr. Lynch states the Conservation Commission will have to make a site visit to understand the situation. Site visit date and time to be confirmed with engineer.
- A motion to grant the request for a continuance to November 19, 2014 meeting is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *NOI Wetland Fee Transmittal Form*
- *Copy of State & Town Check*
- *Locus Map dated October 24, 2014*
- *Aerial Map dated October 24, 2014*
- *Aerial Photo of Area of Work dated October 24, 2014*
- *Description of Work Proposed to repair and maintain existing conditions on retaining wall at Brooks School Dock*
- *Photos 1-7 Dated October 24, 2014*
- *Proposed Work to Repair/Replace Existing Conditions dated October 24, 2014*
- *Techo-Bloc Monumental Wall*
- *Plan of Retaining Wall Repair-Cross Section dated November 4, 2014*
- *Plan of Work Area Sketch to Accompany Notice of Intent dated November 4, 2014*

242-1631, 294 Chestnut Street (Wentzel) (Williams & Sparages, LLC) (cont. from 10/22/14) (Request to cont. to 11/19/14)

- Administrator states the applicant is requesting a continuance to the November 19, 2014 meeting.
- A motion to grant the request for a continuance to the November 19, 2014 meeting is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.

Document:

- *E/Mail from Greg Hochmuth of Williams & Sparages, LLC requesting a continuance to November 19, 2014 meeting dated November 3, 2014*

242-1629, 4W High Street (RCG West Mill NA LLC) (Horsley Witten Group, Inc.) (cont. from 10/22/14)

- Administrator states the applicant is requesting a continuance to the November 19, 2014 meeting.
- A motion to grant the request for a continuance to the November 19, 2014 meeting is made by Mr. McDonough, seconded by Mr. Saal.
- Vote unanimous.

Document:

- *E/Mail from Seth Zeren of RCG West Mill NA LLC requesting a continuance to November 19, 2014 meeting dated November 3, 2014*

**242-1632, Interstate 495 (NB & SB exit 43 and Massachusetts Avenue) (AECOM)
(cont. from 10/22/14)**

- A motion to close and issue a decision within 21 days is made by Mr. Mabon, seconded by Mr. Saal.
- Vote unanimous.

General Business: 8:30 PM

Certificate of Compliance Request

242-1594, COC Request, Bunker Hill Street (Division of Public Works) (Woodard & Curran)

- Administrator states the work is complete, stabilized and erosion controls were removed.
- Mr. Mabon asks about rip-rap around the manhole area.
- Mr. Lynch states the rip-rap is to make it easy to infiltrate water around the manhole.
- A motion to issue the COC is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Letter from Woodard & Curran dated October 23, 2014*
- *WPA Form 8A-Request for Certificate of Compliance*
- *School Street Plan & Profile, Bunker Hill Street Plan dated October 2014*
- *Photo's dated October 1, 2014*

242-1617, COC Request, 479 Lacy Street (Windrush Farm Therapeutic Equitation, Inc.) (Donohoe Survey, Inc.)

- Administrator states the dry hydrant was installed and all areas are stabilized.
- A motion to issue the COC is made by Mr. McDonough, seconded by Mr. Saal.
- Vote unanimous.

Documents:

- *Letter from Donohoe Survey, Inc. dated October 16, 2014*
- *WPA Form 8A-Request for Certificate of Compliance*
- *As-Built Plan dated October 14, 2014*
- *Photo's dated October 8, 2014*

242-1616, Modification Request, 316 Great Pond Road (Karras) (Sullivan Engineering Group, LLC)

- The applicant Bill Karras of 316 Great Pond Road and John Sullivan of Sullivan Engineering Group are present.
- The Administrator distributes photos of the site and reviews the changes that have been made to the site that are not consistent with the plan of record.

- Mr. Sullivan also reviews changes including grading, boulder wall extension along property line and a new retaining wall in the 50' No-Build Zone. He states some of the work along the property line affected the abutters Mr. & Mrs. O'Brien. The proposed pool will no longer be built. A play area has been added.
- The Administrator reviews the violation history including complete revegetation of the front lawn which was not originally proposed.
- Mr. Lynch states the boulders placed into the slope would not be considered a structure.
- Mr. & Mrs. O'Brien of 326 Great Pond Road state they are concerned about erosion under their fence and the elevation changes. They want it restored properly.
- The Commission reviews photos taken by the O'Brien's.
- A motion to issue the modification is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.

Documents:

- *Letter from Sullivan Engineering Group, LLC dated October 23, 2014*
- *Proposed Site Development Plan dated March 5, 2014*
- *Photo's dated November 3, 2014*

242-1504, COC Request, Stevens Street (Patenaude) (Andover Consultants, Inc.)(cont. from 10/22/14)

- The Applicant Thomas Patenaude of Thomas Patenaude Homes, Inc. is present.
- Administrator states received a plan with the infiltrators shown as requested.
- A motion to issue the COC is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.

Documents:

- *Letter from Andover Consultants, Inc. dated October 23, 2014*
- *Letter from ARCO Excavator, Inc. dated July 1, 2014*
- *WPA Form 8A-Request for Certificate of Compliance*
- *Affidavit list current owners dated October 1, 2014*
- *As-Built Plan dated November 5, 2014*
- *Photo's dated October 7, 2014*

242-1415, COC Request, 233 Johnson Street (Bresnahan) (Pennoni Associates, Inc.)(cont. from 10/22/14)

- Benjamin C. Osgood, Jr. of Pennoni Associates, Inc. is present.
- The Administrator presents the plans and photos of the site.
- Mr. Lynch asks how long ago project was permitted – 2006/07
- A motion to issue the COC is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter from Pennoni Associates, Inc. dated September 29, 2014*
- *WPA Form 8A-Request for Certificate of Compliance*
- *As-Built Plan dated October 11, 2007*
- *Photo's October 8, 2014*

242-1397, COC Request, 350 Holt Road (Crusader Paper Company, Inc.) (Pennoni

Associates, Inc.)

- Benjamin C. Osgood, Jr. of Pennoni Associates, Inc. is present.
- The Administrator states some debris was left in detention pond but maintenance was completed.
- Mr. Osgood reviews the drainage improvements made on this project when an addition was added.
- Mr. Lynch discusses maintenance.
- A motion to issue the COC is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

Documents:

- *Letter from Pennoni Associates, Inc. dated October 29, 2014*
- *Letter from Pennoni Associates, Inc. dated October 24, 2008*
- *Letter from Pennoni Associates, Inc. dated November 4, 2008*
- *WPA Form 8A-Request for Certificate of Compliance*
- *As-Built Plan dated July 30, 2008*
- *North Andover MIMAP dated September 3, 2014*
- *Photo's dated October 30, 2014*

**242-1587, COC Request, 20 Anvil Circle (Amin) (Basbanes Wetland Consulting)
(cont. from 10/22/14)**

- The applicant Nilesh Amin of 20 Anvil Circle is present.
- The Administrator states the required monitoring reports for the restoration area have been submitted but there is an issue with mowing of the No-Disturbance Zone.
- Mr. Amin states his landscaper mowed behind the fence marking the No-Disturbance Zone without permission. He has spoken to the landscaper and it will not happen again.
- A motion to issue the COC is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote 3 to 1 (Mr. McDonough abstain)

Documents:

- *WPA Form 8A-Request for Certificate of Compliance*
- *Letter from Basbanes Wetland Consulting dated October 10, 2014*
- *Photos taken by Basbanes Wetland Consulting dated October 10, 2014*
- *Photos dated November 3, 2014*

Enforcement Order Release 18 Willow Street

- Administrator states 18 Willow Street is now the location of the Meadowview Subdivision. This enforcement Order was issued before the development was constructed. The property received a Certificate of Compliance when restoration work was completed. The EO should have been released.
- A motion to release the Enforcement Order from 18 Willow Street is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.

Document:

- *Letter from Conservation Department dated November 6, 2014*

Decisions

242-1630, 75 Summer Street

- Administrator reviews the draft Order of Conditions.
- The Commission accepts the Order of Conditions as drafted.
- A motion to accept the Order of Conditions as drafted is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

242-1632, Interstate I 495 Exit 43

- Administrator reviews the draft Order of Conditions.
- The Commission accepts the Order of Conditions as drafted.
- A motion to accept the Order of Conditions as drafted is made by Mr. McDonough, seconded by Mr. Mabon.
- Vote unanimous.

Approval of Meeting Schedule

- A motion to accept the 2015 meeting schedule is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

Bylaw Regulations Revisions (cont. from 10/22/14)

- The Conservation Commission discusses the revision of the regulations.
- A motion to grant the request for a continuance to November 19, 2014 meeting is made by Mr. Mabon, seconded by Mr. Lynch.
- Vote unanimous.

A motion to adjourn the meeting at: 10:45PM is made by Mr. Lynch, seconded by Mr. McDonough

Vote unanimous.